

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 MOSHE SAPERSTEIN; RACHEL SAPERSTEIN;
6 AVI ITZHAK SAPERSTEIN; TAMAR SAPERSTEIN;
7 DAFNA SAPERSTEIN; the ESTATE of
8 AHUVA AMERGI, by and through RAFI AMERGI,
As Administrator, Executor and/or Personal
Representative, RAFI AMERGI, individually,
minor; and EFRAIM AMERGI, minor; DAN
DAVIDOVIC; JUDITH DAVIDOVIC; ELIEZER
DAVIDOVIC; ARIEL DAVIDOVIC; and
SARAH ZWEIG,

9 PLAINTIFFS,

10 -against-

Case No:
04-CV-20225

11 THE PALESTINIAN AUTHORITY; THE PALESTINE
12 LIBERATION ORGANIZATION; THE PALESTINIAN
13 PREVENTATIVE SECURITY SERVICES; THE ESTATE
14 OF YASSER ARAFAT; YASSER MAHMUD ALKATIVE;
NIZHAR D'HLIS; and NAIM MUTZTRAN,

DEFENDANTS.

15 -----X
16 DATE: April 1, 2009
17 TIME: 12:19 p.m.

18 TRANSCRIPTION OF AUDIO CD OF
19 DEPOSITION of the Defendant, THE
20 PALESTINIAN AUTHORITY, by a Witness,
21 HUSSEIN AL SHEIKH, held in Jerusalem,
22 Israel.

1 HUSSEIN AL SHEIKH
2 Saperstein; the translator Amal
3 Shehadeh; the audio-video team Miri
4 Aharon, Shimon Ben Avi.

5 H U S S E I N A L S H E I K H, called
6 as a witness, having been first duly sworn
7 by the Commissioner, was examined and
8 testified as follows:

9 EXAMINATION BY

10 MR. TOLCHIN:

11 Q. Please state your name for the
12 record.

13 A. Hussein Al Sheikh.

14 Q. Sir, did you show any form of
15 identification to the Commissioner?

16 A. (Translator.) To who?

17 Q. To the Commissioner.

18 A. (Translator.) All of my
19 identification is with the lawyer.

20 Q. Which lawyer?

21 A. (Translator.) Osama Saadi.

22 Q. You gave your identification to
23 your lawyer?

24 A. (Translator.) Of course.

25 Q. Do you generally have your

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Before I was in
3 prison I was a member of Fatah.

4 Q. How old were you when you
5 became a member of Fatah?

6 A. (Translator.) Sixteen and a
7 half.

8 Q. You testified earlier that you
9 were in prison because you were a member of
10 the PLO. Is that what you said?

11 A. (Translator.) Fatah is part of
12 the PLO.

13 Q. Is there such a thing as being
14 a member of the PLO itself?

15 A. (Translator.) Once you are a
16 member of Fatah, you immediately become a
17 member of the PLO.

18 Q. Is it possible to be a member
19 of the PLO without being a member of a
20 constituent group?

21 A. (Translator.) Yes, you can be
22 an independent.

23 Q. But you became a member of the
24 PLO by virtually being a member of Fatah
25 since the age 16 1/2?

1 HUSSEIN AL SHEIKH

2 BY MR. TOLCHIN:

3 Q. Can you tell me, sir, when
4 exactly you were elected as Secretary of
5 Fatah?

6 A. (Translator.) In the last
7 months of 1999.

8 Q. At the time that you were
9 elected as Secretary of Fatah, did you stop
10 having a job working for the Palestinian
11 Authority?

12 A. (Translator interpreted
13 question.)

14 Q. I'll rephrase the question.
15 I'll just withdraw the question and ask it
16 more clearly.

17 When you became Secretary of
18 Fatah, did you stop being employed by the
19 Palestinian Authority?

20 A. (Translator.) Yes. When I was
21 elected, I no longer had any executive
22 position at the Palestinian Authority.

23 Q. The job as Secretary of Fatah,
24 was that a volunteer job or were you paid a
25 salary for that job?

1 HUSSEIN AL SHEIKH

2 he went.

3 MR. TOLCHIN: He went to call
4 someone. He was talking on his
5 cellphone.

6 MR. HIBEY: Oh, is that right?

7 MR. SAADI: It's GPC, General
8 Personnel Council.

9 Q. During the time that you worked
10 as Secretary of Fatah, you were paid a
11 salary by the General Personnel Council of
12 the PA; is that correct?

13 A. (Translator.) Correct.

14 Q. Why did the Palestinian
15 Authority continue to pay you a salary
16 while you were working as Secretary of
17 Fatah?

18 A. (Translator.) I was working
19 for the Palestinian Authority until 1999.
20 When I finished and was elected as the
21 Secretary of Fatah, I lost my executive
22 position in the PA, so my portfolio was
23 transferred from my executive position to
24 the GPC.

25 I was given a limited period.

1 HUSSEIN AL SHEIKH

2 I was given, according to the law -- I do
3 not remember which law exactly -- a time
4 period where I had to choose whether to
5 continue to fulfill a position in the PA or
6 to stop practicing or having this position,
7 so that I would not be cut off from any
8 salary, until I find some other source of
9 income.

10 Q. How long was the period of time
11 that you were given?

12 A. (Translator.) The problem was
13 that all of these things were mixed up in
14 the PA at that time.

15 Q. Do you mean by that that nobody
16 knew how long the period was that you could
17 continue receiving a salary?

18 A. (Translator.) I mean by that,
19 that in 2000 the Intifada erupted and the
20 whole area was prevailed with violence, and
21 all the Authority's buildings were
22 destroyed.

23 There was no stability in the
24 political Palestinian organization in
25 general. The Palestinian political system

1 HUSSEIN AL SHEIKH
2 was no longer stable. Different
3 organizations were not working or active as
4 they used to be before the Intifada. The
5 working hours were not regulated anymore.
6 This is what I mean specifically.

7 MR. SAADI: Mr. Hussein was
8 referring to the Department of
9 General Personnel Affairs, we call it
10 GPC. The General Personnel Council,
11 that it is where public servants are
12 usually paid.

13 Q. How long did you serve as
14 Secretary of Fatah?

15 A. (Translator.) I took this
16 position from 1999 until 2005.

17 Q. For what period of time did you
18 continue to receive a salary from the GPC?

19 A. (Translator.) During the whole
20 five years, except for one year during the
21 government of Hamas, following the victory
22 of Hamas in the elections. I assume about
23 a year I did not have a salary.

24 Q. Do you know what year that was?

25 A. (Translator.) Hamas succeeded

1 HUSSEIN AL SHEIKH

2 Q. Sir, during the break, did you
3 have an opportunity to verify the website
4 address of the Civil Affairs Authority?

5 A. (Translator.) Yes.

6 Q. What is the website address?

7 MR. SAADI: It is
8 www.mca.gov.ps.

9 Q. That is the website that we
10 discussed earlier that Mr. Abu Jundi
11 supervises on behalf of your authority?

12 A. (Translator.) Yes.

13 Q. Sir, you were a member of Fatah
14 for approximately the last 33 years; is
15 that correct?

16 A. (Translator.) Approximately,
17 yes.

18 Q. Other than the position that
19 you were elected to as Secretary of Fatah
20 from 1999 to 2005, have you ever held any
21 other positions within Fatah?

22 A. (Translator.) No, only this
23 position.

24 Q. I'm referring specifically to
25 the period of 2000 to 2004. Spanning that

1 HUSSEIN AL SHEIKH

2 period of years, can you explain to me what
3 was the organizational structure of Fatah?

4 A. (Translator.) We had a general
5 commander Yasser Arafat. Beneath it the
6 Central Committee, beneath it the
7 Revolutionary Council, and beneath it the
8 leadership in the West Bank and the
9 leadership of Gaza. And then comes the
10 leadership of Fatah in the different areas.
11 This is the structure.

12 Q. When you referred to the
13 Central Committee, who were the members of
14 the Central Committee? And all these
15 questions are about the period of 2000 to
16 2004. And I just want to say that if it
17 changed during that period, you can tell me
18 that. I'm not trying to put words in your
19 mouth.

20 A. (Translator.) Nothing is
21 secretive about it. Yasser Arafat was.

22 Q. He was both the general
23 commander and a member of the Central
24 Committee?

25 A. (Translator.) Yes, of course.

1 HUSSEIN AL SHEIKH

2 Mahmoud Abbas, Ahmed Qurei, Hani el Hassan,
3 Abdel Zaki, Hakam Balau, Faruk el Kadoumi,
4 Mohammed el Nem, El Taisar el Wazir, Nabil
5 Shaath. These were the members of the
6 Central Committee. Maybe I forget someone.

7 Q. How were the members of the
8 Central Committee chosen?

9 A. (Translator.) Through
10 elections from the general conference of
11 Fatah.

12 Q. What is the general conference
13 of Fatah?

14 A. (Translator.) These are
15 representatives of the different frames,
16 unions, and groups of Fatah internationally
17 and nationally. The last time that it was
18 convened was in 1989, 20 years ago.

19 Q. So all of these names that you
20 have told me were in the Central Committee
21 between 2000 and 2004, had been there since
22 1989?

23 A. (Translator.) Correct.

24 Q. You referred to the
25 Revolutionary Council. How many members

1 HUSSEIN AL SHEIKH

2 were there in the Revolutionary Council?

3 A. (Translator.) 120.

4 Q. How were those members chosen?

5 A. (Translator.) Through the

6 general conference as well.

7 Q. 120 is a lot of members. Was
8 there a leadership within the Revolutionary
9 Council?

10 A. (Translator.) They meet
11 according to necessity. They assemble
12 every two months, three months.

13 Q. Did the Revolutionary Council
14 have a Director, President, head?

15 A. (Translator.) The leadership
16 was first Yasser Arafat, then Abu Mazen.
17 But you have to understand that the Central
18 Committee is part of the Revolutionary
19 Council.

20 Q. I want to clarify that. You
21 told us earlier that the general commander
22 was Yasser Arafat. Under him was the
23 Central Committee and under him was the
24 Revolutionary Council. But now you seem to
25 be telling me that the Central Committee

1 HUSSEIN AL SHEIKH

2 was part of the Revolutionary Council.

3 A. (Translator.) The Central
4 Committee is part of the Revolutionary
5 Council. And not the opposite. A member
6 of the Revolutionary Council is not
7 necessarily a member of the Central
8 Committee.

9 Q. Would it be a fair parallel to
10 say that the Central Committee was similar
11 to the Cabinet and the Revolutionary
12 Council was similar to the Cabinet, and the
13 Revolutionary Council was similar to the
14 Knesset, for lack of a better comparison?

15 Forget the question. It's not
16 a good question.

17 You referred to the leadership
18 in the West Bank and Gaza. How many
19 individuals were involved in that
20 leadership?

21 A. (Translator.) In the West Bank
22 about 70. I do not know how many in Gaza.

23 Q. How was the membership of that
24 leadership selected?

25 A. (Translator.) Through

1 HUSSEIN AL SHEIKH

2 elections.

3 Q. Elections among who?

4 A. (Translator.) Among members of
5 Fatah in the different areas.

6 Q. Was that also through the
7 general conference of Fatah?

8 A. (Translator.) Of course not.
9 I asserted that the general conference has
10 not assembled since 1989.

11 Q. Does that mean that the
12 leadership in the West Bank and Gaza did
13 not get elected since 1989, or was the
14 leadership elected by some other group?

15 A. (Translator.) Again to
16 clarify, the general conference is for all
17 Fatah members. When I speak about the West
18 Bank, I am talking about that it is elected
19 by the different districts such as Ariha,
20 Jenin, Khalil-Hebron.

21 Q. What was the process by which
22 the leadership of Fatah was elected? Were
23 there campaigns? Were there elections and
24 voting booths?

25 A. (Translator.) Of course, there

1 HUSSEIN AL SHEIKH

2 in the West Bank, comprising 70 people, it
3 is the same thing as the High Committee for
4 Fatah in the West Bank?

5 A. (Translator.) Correct.

6 Q. Thank you.

7 Did Fatah have a Treasurer
8 between 2000 and 2004?

9 A. (Translator.) What do you mean
10 Treasurer?

11 Q. Let me back up. Did Fatah have
12 a budget between 2000 and 2004?

13 A. (Translator.) Of course.

14 Q. What was the source of the
15 money that was used for Fatah's budget?

16 A. (Translator.) I do not know.
17 This is not my field -- it is not my
18 expertise.

19 Q. Who was in charge of
20 supervising Fatah's money?

21 A. (Translator.) Achmed Qurei.

22 Q. Did Mr. Qurei have a title that
23 had something to do with his function of
24 supervising the money of Fatah?

25 A. (Translator.) He is a member

1 HUSSEIN AL SHEIKH

2 of the Central Committee in Fatah, and he
3 is responsible for the finance of Fatah.

4 Q. Was he elected to that
5 position? How did he get that
6 responsibility?

7 A. (Translator.) He was elected
8 in the conference of 1989.

9 Q. Is he known by any nicknames or
10 noms de guerre?

11 A. (Translator.) He is known for
12 Abu Ala, who was previously negotiating
13 with Tzipi Livni.

14 Q. What is Mr. Qurei's job today?

15 A. (Translator.) He is a member
16 of the Central Committee and the head of
17 Palestinian Negotiation Delegation with
18 Israel.

19 Q. He is a member of the Central
20 Committee of Fatah?

21 A. (Translator.) Correct.

22 Q. He is also employed by the
23 Palestinian Authority?

24 A. (Translator.) He has nothing
25 to do with the PA. He belongs only to the

1 HUSSEIN AL SHEIKH

2 Abbas Zaki; he is responsible of the
3 Palestinian portfolio in Lebanon, et
4 cetera.

5 Q. I just want to clarify about
6 Mr. Kadoumi. You said he has a problem,
7 but does he have a portfolio?

8 A. (Translator.) Currently he is
9 carrying no official portfolio.

10 Q. How well did you know Yasser
11 Arafat?

12 A. (Translator.) Good.

13 Q. Did you consider him a friend,
14 or just somebody you knew from work, or
15 something else?

16 A. (Translator.) I considered him
17 a leader and responsible.

18 Q. In the period of 2000 to 2004,
19 did you meet with Mr. Arafat?

20 A. (Translator.) Of course.

21 Q. How often?

22 A. (Translator.) Hundreds of
23 times.

24 Q. Was that for social purposes or
25 business purposes?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Things which are
3 connected to Fatah.

4 Q. Did you receive directives or
5 instructions from Mr. Arafat during that
6 period?

7 A. (Translator.) Instructions in
8 what field?

9 Q. Anything connected to Fatah.

10 A. (Translator.) I used to
11 receive daily instructions from him.

12 Q. Was that verbally or in
13 writing?

14 A. (Translator.) Mostly verbally.

15 Q. Did you ever receive written
16 instructions from him?

17 A. (Translator.) In what field?

18 Q. Something connected with Fatah.

19 A. (Translator.) Of course, but I
20 cannot remember what was verbally and what
21 was written.

22 Q. Did you ever write to Mr.
23 Arafat about anything?

24 A. (Translator.) Hundreds of
25 letters.

1 HUSSEIN AL SHEIKH

2 Q. What types of issues would you
3 have written to Mr. Arafat, and I'm talking
4 about 2000 to 2004.

5 A. (Translator.) I used to write
6 him for giving medical treatment for
7 families who cannot afford it, for their
8 children. I used to ask him for assistance
9 and help for students who are in need so
10 they can go for studies, and also social
11 assistance for deprived families.

12 Q. Why would you write those
13 letters to Mr. Arafat and not to Mr. Qurei
14 who you told us handled the finances?

15 A. (Translator.) I was not the
16 one who determined where it should be
17 directed. The one who determined that was
18 Yasser Arafat, who was the Commander.
19 Because Abu Ala does not have a direct
20 responsibility upon me, Abu Amar had direct
21 responsibility upon me.

22 Q. Let me clarify. Is it fair to
23 say that if you felt that a particular
24 student should receive financial aid, you
25 would have written to Mr. Arafat, asking to

1 HUSSEIN AL SHEIKH

2 give money to this student, and if Mr.

3 Arafat agreed, he asked Mr. Qurei to

4 disburse the money?

5 A. (Translator.) Not necessarily

6 from Qurei. The one who determined from

7 whom to receive the money, that was Yasser

8 Arafat.

9 Q. Let me break it down. You

10 would ask Mr. Arafat to give money to Mr.

11 X, and if Mr. Arafat agreed, he would

12 direct somebody, he would pick to disburse

13 the money?

14 A. (Translator.) Correct.

15 Q. And what we are talking about

16 is the money of Fatah. We are not talking

17 about the Palestinian Authority or PLO?

18 A. (Translator.) Fatah and PLO

19 are the same because the Fatah and the PLO

20 budget are with Arafat.

21 Q. During the period of 2000 to

22 2004, who directed the budget of the PA?

23 A. (Translator.) Do you mean the

24 Minister of Finance?

25 Q. I don't mean any particular

1 HUSSEIN AL SHEIKH

2 person. I am asking you.

3 A. (Translator.) What do you mean
4 the money of PA?

5 Q. I will clarify. In the period
6 2000 to 2004, who was in charge of making
7 decisions of spending the money of the PA?

8 A. (Translator.) Again I cannot
9 understand the question. It is not clear
10 enough. In the PA there is a Minister of
11 Finance. If I am not mistaken, I think it
12 was Salam Fayad, if this is what you mean
13 by your question. And who determines the
14 financial policy is Salam Fayad.

15 Q. What was Yasser Arafat's role
16 in the PA between 2000 and 2004?

17 A. (Translator.) Do you mean his
18 status or his capacity in the PA?

19 Q. Yes.

20 A. (Translator.) At that time he
21 was the head of the PA and the PLO.

22 Q. He was the President and the
23 Prime Minister?

24 A. (Translator.) The President
25 and the Prime Minister at the same time.

1 HUSSEIN AL SHEIKH

2 Q. Did he hold any other positions
3 besides the President and the Prime
4 Minister?

5 A. (Translator.) In government?

6 Q. In the PA government.

7 A. (Translator.) This is what I
8 remember were the official capacities of
9 Yasser Arafat. Previously, before 2000, he
10 used to take the capacity of Interior
11 Minister sometimes, but I cannot remember
12 at what periods.

13 Q. As President and Prime Minister
14 of the Palestinian Authority, between 2000
15 and 2004, did Yasser Arafat have any
16 authority over expenditures of the
17 Palestinian Authority?

18 A. (Translator.) Of course, he
19 was the President.

20 Q. You told us, sir, that you
21 would often write letters to Mr. Arafat
22 asking him to award money from Fatah to
23 particular people.

24 A. (Translator.) Correct.

25 Q. Do you have any idea, sir, how

1 HUSSEIN AL SHEIKH

2 much money was awarded by Fatah altogether
3 as a result of your requests?

4 A. (Translator.) I cannot count
5 them.

6 Q. Can you give it in order of
7 magnitude? Are we talking hundreds of
8 dollars, thousand of dollars, hundreds of
9 thousands of dollars?

10 A. (Translator.) I would say
11 hundreds of thousands of dollars.

12 Q. Do you have any idea what the
13 annual expenses of Fatah were during the
14 period of 2000 to 2004?

15 A. (Translator.) No, it is not
16 part of my expertise.

17 Q. Are you familiar with an
18 individual named Mohammed Rashid?

19 A. (Translator.) Of course.

20 Q. Who is Mohammed Rashid?

21 A. (Translator.) He was
22 responsible for the investment fund.

23 Q. What investment fund?

24 A. (Translator.) I have no idea
25 about it.

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Yes, of course.

3 In all the area of the West Bank and in the
4 Gaza Strip.

5 Q. Did Fatah have a main office?

6 A. (Translator.) Yes, of course.

7 Q. Where was the main office of
8 Fatah?

9 A. (Translator.) The headquarters
10 was where Yasser Arafat was, because he is
11 the General Commander of the movement.

12 Q. Was that location known as the
13 Mukata?

14 A. (Translator.) Correct.

15 Q. So the Mukata was where the
16 main office of Fatah was located?

17 A. (Translator.) There are
18 others.

19 Q. There are other what?

20 A. (Translator.) There are other
21 offices.

22 Q. Other main offices?

23 A. (Translator.) For instance,
24 Abu Ala also had a main office as well as
25 Hakam Balauí also had a main office. Also,

1 HUSSEIN AL SHEIKH

2 Abdallah el Franji had an office for
3 external relations. The headquarters of
4 the head command since Abu Amar was the
5 General Commander was at the Makata.

6 Q. Is it correct that the Mukata
7 was also the main office of the PA?

8 A. (Translator.) Of course, since
9 the PA was also Yasser Arafat.

10 Q. Was the Mukata also the main
11 office of the PLO?

12 A. (Translator.) Correct, since
13 Yasser Arafat was also the head of the
14 Executive Committee of the PLO.

15 Q. We are talking about 2000 to
16 2004?

17 A. (Translator.) Correct.

18 Q. You mentioned that there were
19 some other main offices of Fatah. Did you
20 say, sir, that there were other main
21 offices of Fatah?

22 MR. McALEER: Object to the
23 form.

24 A. (Translator.) Correct.

25 Q. Were those other main offices

1 HUSSEIN AL SHEIKH

2 of Fatah also offices of the PA?

3 A. (Translator.) No, incorrect.

4 Q. Which offices were main offices
5 of Fatah that were not offices of the PA?

6 A. (Translator.) All offices of
7 Fatah were not offices of the PA, except
8 the office of Yasser Arafat.

9 Q. Were there any people who
10 worked in the Mukata, who were specifically
11 working for Fatah and not for the PA?

12 A. (Translator.) I do not know
13 exactly. I never asked the people who were
14 there whether they were working for the PA
15 or Fatah.

16 Q. Between 2000 and 2004, who
17 owned the Mukata?

18 A. (Translator.) What do you mean
19 by owned?

20 Q. Who was the owner of the
21 building, the land?

22 A. (Translator.) The PA.

23 Q. Who paid the utilities,
24 electricity, water, telephones?

25 A. (Translator.) I do not know,

1 HUSSEIN AL SHEIKH

2 of course. It was not part of my
3 responsibilities.

4 Q. The other offices of Fatah that
5 you told us were not offices of the PA,
6 were those rented offices?

7 A. (Translator.) Part of them
8 were rented and part of them were owned,
9 but I do not know which are which.

10 Q. The ones that were owned, do
11 you know who owned them?

12 A. (Translator.) I do not know.

13 Q. The ones that were rented, do
14 you know who paid the rent?

15 A. (Translator.) The finances of
16 Fatah.

17 Q. Did the finances of Fatah also
18 pay the utilities for those offices?

19 A. (Translator.) Not necessarily,
20 but I do not know these details because
21 this was not part of my work and my
22 employment.

23 Q. When you would request from Mr.
24 Arafat -- and I'm specifically talking
25 about from 2002 to 2004 -- you would

1 HUSSEIN AL SHEIKH

2 request that he give money to particular
3 people, and he would direct that money to
4 be given, what process was used to disburse
5 the money of Fatah? In other words, would
6 it be by check, by wire transfer, by cash,
7 or some other form?

8 A. (Translator.) For instance, I
9 used to present to Abu Amar humanitarian
10 aid. The instance, I presented to him ten
11 people. For example, let's say he would
12 wire to each person 800, 600, 1000 dollars.
13 I would not hold in my hand one penny even.
14 It would reach the beneficiary directly,
15 whether by check or by bank transaction.

16 Q. So Fatah would use checks or
17 bank transactions to give people money?

18 A. (Translator.) Not necessarily
19 Fatah, but the body that was given order by
20 Arafat would provide the money?

21 Q. When you were secretary of
22 Fatah, you had to ask Mr. Arafat to award
23 money to individuals for whatever purpose.
24 Is it your testimony, sir, that sometimes
25 Mr. Arafat would direct that money to be

1 HUSSEIN AL SHEIKH

2 given to the individual but from some place
3 else other than Fatah?

4 MR. McALEER: Objection as to
5 form.

6 Q. You can answer.

7 A. (Translator.) Let me clarify.
8 Some assistance were issued directly from
9 Fatah. According to the rules and the
10 basic law of the PA, the government
11 allocates the Ministry of Finance a certain
12 amount of money to the political parties
13 according to the basic law.

14 Since Fatah is a political
15 party, it has an allocation of amount of
16 money, the people's part has an amount
17 which is allocated to it. The Democratic
18 Front has a budget of its own.

19 And why am I stating this; to
20 prevent any outside money to get into the
21 country. For instance, I do not want Iran
22 to send money to establish a party within
23 the country. So also to maintain that,
24 there is supervision on the money and its
25 conductors. That is what I meant when I

1 HUSSEIN AL SHEIKH
2 said that Arafat can allocate the money
3 from Fatah or from other sources as well.

4 MS. GITLIN: The tape is
5 finishing now at 6:45 p.m.

6 (A recess transpired.)

7 MS. GITLIN: It is tape number
8 6, starting at 6:46 p.m. This is the
9 Commissioner Amy Gitlin, business
10 address Nahal Katlav 7/3 Bet Shemesh,
11 Israel.

12 This is the deposition of
13 Hussein al Sheikh, taking place in
14 Jerusalem, Israel, on April 1st,
15 2009.

16 A. (Translator.) I want the last
17 sentence, to repeat it.

18 I stated that the basic law
19 allows for political action for legitimate
20 and legal by the political parties. I am
21 requesting that this speech will be
22 translated accurately.

23 Q. We want everything translated
24 accurately.

25 A. (Translator.) Each party

1 HUSSEIN AL SHEIKH

2 receives a budget from the Finance

3 Ministry. Each organization or party is

4 free to use these monies as he sees fit,

5 within the legal political activity.

6 Therefore, when I stated that Abu Amar was

7 sometimes allocating money from Fatah or

8 from other parties, that is why I was

9 referring to the fact that Abu Amar was

10 using the money, his share that was

11 allocated to the Fatah party from the

12 Ministry of Finance.

13 Q. Was giving money to students or
14 to people for medical treatment or social
15 assistance, was that considered legitimate
16 political uses of money allocated by the PA
17 to Fatah?

18 A. (Translator.) Another
19 clarification, please. Not everything that
20 Arafat signed for me was deducted from the
21 Fatah budget.

22 Let's say, for instance, there
23 is a ten-year-old child who suffers from
24 cancer and needs treatment in Israel. That
25 person, a child who is ten years old, knows

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2 objected to it?

3 A. (Translator.) Who opposed?

4 Q. Anybody.

5 A. (Translator.) If it is
6 security issue, then it derives or obeys
7 the security system, if they were requested
8 to return, then they will return.

9 Q. This is for the Commissioner.

10 This is Exhibit 4.

11 (Whereupon, the aforementioned
12 document was marked as Plaintiff's
13 Exhibit 4 for identification as of
14 this date by the Commissioner.)

15 Q. First of all, is this a
16 document you have ever seen before, sir?

17 A. (Translator.) No, I do not
18 recall seeing it.

19 Q. At the top in the upper
20 right-hand corner there is a handwritten
21 comment there. Are you able to read that?

22 A. (Translator.) Yes, of course.

23 Q. What does it say?

24 A. (Translator.) It should be
25 sent to the District of Ramalla to Hussein

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2 systems are sending a warning to all those
3 who were not returning that they might be
4 sacked from work. This is my
5 interpretation.

6 Q. Do you recall the situation?

7 A. (Translator.) I do not
8 remember particularly the circumstances
9 here.

10 Q. You can give the original
11 document to the Commissioner. I may ask
12 you, sir, if this is a document you have
13 ever seen.

14 A. (Translator.) Yes.

15 Q. What is this document?

16 A. (Translator.) I presented this
17 to Yasser Arafat, financial aid for certain
18 people.

19 Q. Did you write this document?

20 A. (Translator.) Yes.

21 Q. Is all of this document yours,
22 or is there a part that was written by
23 somebody else?

24 A. (Translator.) This is my
25 handwriting, and the handwriting of Yasser

1 HUSSEIN AL SHEIKH

2 Arafat.

3 Q. Is it accurate that the
4 handwriting which is horizontal is yours
5 and the handwriting which is diagonal is
6 Mr. Arafat's?

7 A. (Translator.) This is an area
8 with the handwriting where the date is
9 stated and the signature, this is of Yasser
10 Arafat.

11 MR. TOLCHIN: Can we agree, Mr.
12 Hibey, that the witness is indicating
13 that the diagonal handwriting towards
14 the lower left as being Mr. Arafat's?

15 MR. HIBEY: Yes.

16 Q. What did you write in this
17 letter?

18 A. (Translator.) I requested from
19 Abu Amar to allocate money for three
20 people.

21 Q. Just for the sake of the
22 record, and since it's your handwriting,
23 could you read the letter slowly and let
24 the translator translate?

25 A. (Translator.) Of course. "Mr.

1 HUSSEIN AL SHEIKH

2 President, the warrior of combatant,

3 President of combatant."

4 MR. SAADI: No, no, fight is --

5 (Arabic) This (word) is someone who

6 declares Jihad because of unjust

7 conditions.

8 MR. SHEHADEH: It can be both a

9 fighter and a combatant.

10 MR. TOLCHIN: What is the

11 Arabic word we are talking about?

12 MR. SHEHADEH: Mujahed.

13 A. (Translator.) I would like to

14 explain. To assert that Mujahed is not a

15 fighter, if we want to take the linguistic

16 phrase, you can make Jihad through talking.

17 Q. But the word is connected to

18 the root Jihad. Can I make a suggestion;

19 let the Interpreter say what she thinks,

20 you say what you think, and then we'll ask

21 the witness to clarify and then we'll have

22 it on the record.

23 A. (Translator.) I have not

24 finished yet. I would like to clarify.

25 Mujahed does not mean in any way combatant

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2 or fighter. Because, according to Islam,
3 Mujahed means that you can do Jihad through
4 your words and there is an internal thing
5 within your soul, the Jihad of your soul.
6 What is the Jihad of the soul? That means
7 do not commit adultery, do not steal, and
8 such things. Therefore Mujahed does not
9 necessarily mean a fighter.

10 Q. Would you agree that Mujahed
11 can mean fighter?

12 A. (Translator.) Each person can
13 interpret it as he sees fit.

14 Q. Just finish the letter, please.

15 A. (Translator.) (Reading.) My
16 brother Abu Amar, may God protect you and
17 keep you well. I grant you with the salute
18 of homeland and nation. We request from
19 you Highness to be kind and to allocate a
20 financial amount of two thousand five
21 hundred dollars to the brothers number 1,
22 Raid ed Karmi, second Ziad Machmud Daas,
23 third Omar Kahaden, and we leave this to
24 your decision, your son Hussein al Sheikh.
25 The thing that was offered Yasser Arafat,

1 HUSSEIN AL SHEIKH

2 the Finance Ministry in Ramallah, the
3 allocation of six hundred dollars would be
4 given to each person.

5 Q. Who is Raid ed Karmi?

6 A. (Translator.) Raid el Karmi is
7 a person from the Tul Karem area.

8 Q. Why did you want to allocate
9 2500 dollars to Mr. El Karmi?

10 A. (Translator.) These were the
11 recommendations of the responsible in
12 charge person of Fatah in Tul Karem area,
13 since I do not know any of these three
14 people personally. I am given
15 recommendations from the different Fatah
16 representatives in these area within my
17 capacity of the Secretary of Fatah I report
18 this to Yasser Arafat within the framework
19 of the Humanitarian Aid. And I have
20 brought thousands of humanitarian aid to
21 people.

22 Q. Who asked you or who
23 recommended to you that you request 2500
24 dollars for Mr. El Karmi?

25 A. (Translator.) If I am not

1 HUSSEIN AL SHEIKH

2 mistaken, the Secretary of the area of Tul
3 Karem. What period are we talking about?
4 2001? I cannot see the date.

5 Q. 2001.

6 A. (Translator.) I think that the
7 Secretary, maybe it was Dr. Thabet or Fayet
8 Kanaan. I am not certain who it was, but I
9 am sure one of them was the Secretary at
10 the time.

11 Q. Who is Fayed Kanaan?

12 A. (Translator.) The Secretary of
13 Tul Karem area at that time, maybe. I do
14 not recall if it was Dr. Thabet or Fayet
15 Kanaan.

16 Q. Who is Amar Kadan?

17 A. (Translator.) I do not know
18 him.

19 Q. Are you familiar with something
20 called Force 17?

21 A. (Translator.) Of course I am.

22 Q. Was Mr. Kadan connected somehow
23 to Force 17?

24 A. (Translator.) Surely.

25 Q. Briefly what is Force 17?

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2 A. (Translator.) It is the
3 Private Presidential Guard.

4 MR. TOLCHIN: This goes to the
5 commission, 6.

6 (Whereupon, the aforementioned
7 document was marked as Plaintiff's
8 Exhibit 6 for identification as of
9 this date by the Commissioner.)

10 Q. Sir, is this a document that
11 you have ever seen before?

12 A. (Translator.) No, of course
13 not.

14 Q. Did you review this document
15 before you came here today in preparation
16 for the deposition?

17 A. (Translator.) Yes, I saw it by
18 the lawyers.

19 Q. Take a moment to read it. Who
20 wrote this document? Who signed it?

21 A. (Translator.) According to
22 what I see, the one who signed it is Fayed
23 Kanaan.

24 Q. The same individual that we
25 spoke about a minute ago?

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2 A. (Translator.) Yes, for sure.

3 Q. Where is Fayed Kanaan today?

4 A. (Translator.) I do not know.

5 This is a period between 2001 and 2009,

6 eight years, maybe in Tul Karem.

7 Q. Is he employed by the

8 Palestinian Authority today?

9 A. (Translator.) I do not know.

10 Q. Do you know if he's still alive

11 today?

12 A. (Translator.) Of course. If

13 he would have passed away, I would have

14 known about it.

15 Q. The diagonal writing on the

16 left, is that Mr. Arafat's writing?

17 A. (Translator.) The diagonal

18 handwriting on the left is the writing of

19 Yasser Arafat.

20 Q. There is a list of 15 names.

21 Do you recognize any of these names?

22 A. (Translator.) Not one of them.

23 Q. Are you familiar with an

24 individual named Wafa Idris?

25 A. (Translator.) I do not know